

and condemnation of 1 barrel purporting and representing to contain a Scuppernong type wine, Ohio product, remaining unsold in the original unbroken package and in possession of Benedict & Eberle Co., Pittsburgh, Pa., alleging that the product had been shipped on or about July 15, 1913, by A. Schmidt, Jr. & Bros. Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "A Scuppernong Type Wine Ohio Product Benedict & Eberle Company Pittsburgh, Pa."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an imitation product prepared in whole or in part from another wine or wines, or base wine sweetened and mixed in imitation of Scuppernong wine, had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of Scuppernong wine, whereas, in fact, it was not Scuppernong wine but was an imitation product, prepared wholly or in part from another wine or wines, or base wine sweetened and mixed in imitation of Scuppernong wine.

On November 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3160. Adulteration and misbranding of Scuppernong wine. U. S. v. 8 Barrels of Bottled Scuppernong Wine and 3 Barrels of Scuppernong Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5300. S. No. 1892.)**

On August 13, 1913, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 barrels, each containing 6 dozen bottles of so-called Scuppernong wine, and 3 barrels of so-called Scuppernong wine, remaining unsold in the original unbroken packages and in possession of the Old Kentucky Whiskey Co., Detroit, Mich., alleging that the product had been shipped on July 24, 1913, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The bottled goods were labeled: (On barrels) "Wine—Glass with care—Old Kentucky Whiskey Co. Detroit, Mich." (On bottles, neck label) "Serial No. 124 Guaranteed by The Sweet Valley Wine Company under the Food and Drugs Act, June 30, 1906." (Principal label) "Scuppernong Bouquet Wine, Delaware and Scuppernong Blend Ameliorated with Sugar Solution—The Sweet Valley Wine Co., Sandusky, Ohio." The wine in bulk was labeled: (On one end of barrels) "A Ohio Scuppernong Wine—Guaranteed by the Sweet Valley Wine Co. under Food and Drugs Act, June 30, 1906." (On other end of barrels) "Old Kentucky Whiskey Co., Detroit, Mich."

It was alleged in the libels that the products were adulterated in violation of section 7 of the Food and Drugs Act and of paragraphs 1 and 2, under "Food" of said act, an examination of samples of the products by the Bureau of Chemistry of the Department of Agriculture having revealed that the products were imitation Scuppernong wines, made in whole or in part from another wine or wines, or base wine, sweetened and mixed in imitation of Scuppernong wine. It was also alleged that the products were misbranded in violation of paragraph 1 of section 8 of the Food and Drugs Act under the classification of "Food," for the reason that the barrels of so-called wine by

the labels contained thereon were labeled and printed so as to deceive and mislead the purchaser thereof, and said products were adulterated in that a substitution had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength, and that a substance had been substituted in part for the articles, and an analysis of samples disclosing the fact that the products were imitations of Scuppernong wine, made in whole or in part from another wine or wines, or base wine, sweetened or mixed in imitation of Scuppernong wine.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

**3161. Adulteration and misbranding of wine. U. S. v. 2 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5301. S. No. 1895.)**

On August 14, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels, each containing 50 gallons of wine, remaining unsold in the original unbroken packages and in possession of the St. Louis Wine and Liquor Co., St. Louis, Mo., alleging that the product had been shipped on or about July 10, 1913, from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "A Ohio Scuppernong Wine Guaranteed by The Sweet Valley Wine Co. under the Food and Drugs Act June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine, as the labels stated and indicated, but, on the contrary thereof, a substance consisting in whole or in part of a mixture or base of wines, which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a substance, consisting wholly or in large part of a mixture or base of wines, which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine and contained practically no Scuppernong wine; and said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and, further, in that said labels on the barrels, to wit, "Ohio Scuppernong Wine," would deceive and mislead the purchaser thereof into the belief that said product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine, but a mixture of other wines; and further in that said labels on the barrels, to wit, "Ohio Scuppernong Wine," were descriptive of the substance contained in said barrels, and were false and misleading in that said product was not Scuppernong wine.

On October 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.